

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Diaz et al.)	Group Art Unit: 2161
Appl. No.	:	09/821,371)	
Issued	:	March 29, 2001)	
For	:	PERSONALIZED HAND HELD CALORIE COMPUTER)	
Examiner	:	Cosimano, Edward R.)	

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MAY 10 2002
Technology Center 2100

SUPPLEMENTAL FOR REISSUE APPLICATION DECLARATION UNDER
(37 C.F.R. § 1.175)

Assistant Commissioner for Patents
 Washington, D.C. 20231

Dear Sir:

We, the undersigned inventors, hereby declare that:

1. Our residence, Post Office address and citizenship are stated below next to our names.

2. We believe that we are the original, first and joint inventors of the subject matter described and claimed in U.S. Patent No. 5,890,128 (hereinafter "the '128 patent"), issued March 30, 1999, and the subject matter disclosed in the above-identified reissue application. We have reviewed and understand the contents of the above-identified reissue application and the Amendment filed concurrent with the filing of this Declaration.

2. We acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

3. We believe that the '128 patent is partially inoperable because it claims less than we had a right to claim. Specifically, independent Claims 1 and 15 recite several limitations, which unnecessarily limit the scope of our claimed invention. For example, Claims 1 and 15 recite "a

Reissue of Patent No.: 5,890,128

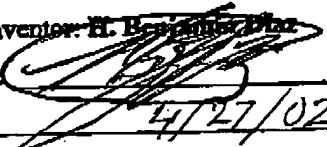
standard electronic computer circuit contained within said computer case, said circuit containing at least a random access memory, a read only memory, a processor and a coprocessor", "a keyboard positioned on said computer case comprising a plurality of standard keyboard buttons including alphabetical characters, numerical characters, predetermined punctuation marks, predetermined mathematical functions, space function, and shift function", and a "liquid crystal display". Such limitations were not used during prosecution to distinguish Applicants' invention over the cited art.

Amended Claims 16-55 and new Claims 56-86 correct the above-noted errors in the original claim. For example, instead of reciting "a circuit containing at least a random access memory, a read only memory, a processor and a coprocessor and a liquid crystal display", Claim 16 recites a computer processor operatively coupled to a memory, a user interface and a display.

4. All errors being corrected in the present reissue application and the accompanying preliminary amendment, up to the present time, arose without any deceptive intention on our part.

5. We have read and understand the foregoing statements of this Declaration. We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing information.

Full name of first inventor: H. Benjamin Ibez

Inventor's signature 

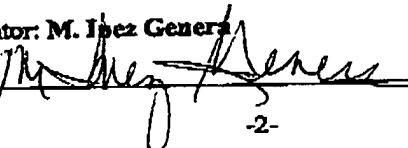
Date 4/27/02

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Full name of second inventor: M. Ibez General

Inventor's signature 

Apr-29-02 09:54am From-THOMPSON ENGINEERING
Apr-25-2002 04:50pm From-KOBBE MARTENS OLSON BEAR

909 784 5435
848 1608346

T-408 P.003/003 F-417

Reissue of Patent No.: 5,890,128

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